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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Judgment Delivered on: 30.08.2025*

+ W.P.(C) 12616/2025 & CM APPL. 51461/2025

**YASHRAJ TIWARI (MINOR) SON OF SHRI PRAVIN KUMAR
TIWARI**Petitioner

Through: Mr. Ashutosh Kumar Sinha, Adv.
versus

UNION OF INDIA & ANR.Respondents

Through: Ms. Avshreya Pratap Singh Rudy,
SPC with Ms. Usha Jamnal and Ms.
Harshita Chaturvedi, Mr. Mohammad
Junaid Mahmood, Advs. for MCC.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

JUDGMENT

VIKAS MAHAJAN, J (ORAL)

1. The present petition has been filed seeking following reliefs:

“(i) To issue a writ of mandamus or any other writ, order or directions to the Respondents to include the name of the Petitioner in the List of NRI Candidates dated 06.08.2025 to enable the Petitioner to participate in Round 1 of NEET-UG 2025 counseling conducted by the MCC;

(ii) To permit the petitioner to participate in the choice-filling process of Round-1 of NEET-UG 2025 counselling conducted by the MCC, by including the name of the Petitioner in the final result dated 06.08.2025, and to grant the Petitioner an equal opportunity, at par with other NRI candidates, for allotment of a college strictly on the basis of marks obtained.

(iii) To either accommodate the petitioner in round-1 of the NEET-UG 2025 counselling, and in the event the same is not



feasible, to accord due preference to the petitioner in round-2 of the counselling process.”

2. The case set out by the petitioner in the present petition is that the petitioner is a candidate who obtained 204 marks in the NEET (UG) 2025 and is desirous of seeking admission under the NRI quota. The maternal uncle of the petitioner is stated to be a British Citizen of Indian Origin, who is the *bona fide* guardian of the petitioner and has undertaken to finance the petitioner's course.
3. It is stated that pursuant to MCC's notice dated 02.08.2025, the petitioner submitted all requisite documents by email on 03.08.2025. The documents submitted includes - (i) NEET Score Card, (ii) Notarized Family Tree (iii) Sworn affidavit of guardian showing that the Bona Fide Guardian will bear the entire course fee of the candidate, (iv) OCI card, (v) Self-attested Declaration and, (vi) Passport of *bona fide* guardian.
4. However, when the MCC published the list of candidates under the NRI Quota eligible to take admission on 06.08.2025, the petitioner's name was not found mentioned in the said list despite petitioner being eligible under Priority II in terms of the notice dated 06.08.2025 issued by MCC.
5. Mr. Ashutosh Kumar Sinha, learned counsel for the petitioner submits that in terms of the notice dated 02.08.2025, the petitioner had furnished all the documents but he could not get his affidavit endorsed from the concerned Embassy as window period in terms of the notice dated 02.08.2025 was only for a day starting from 02.08.2025 at 5:00 p.m to 03.08.2025 at 05:00 p.m. However, the petitioner had furnished all other documents in terms of the said notice dated 02.08.2025. He further contends



that since the window period was too short, the petitioner was not able to arrange the affidavit endorsed from the concerned Embassy at United Kingdom, where the maternal uncle of the petitioner is residing.

6. He contends that in the previous notices issued by the MCC, there was no requirement with regard to the furnishing of an affidavit of the guardian endorsed from the concerned embassy.

7. He submits that subsequently a representation was also made by the petitioner, however, the same was not responded to.

8. He, therefore, urges that in case of the petitioner, the condition of furnishing of an affidavit should be relaxed and the petitioner be considered under Priority II of NRI quota in terms of the notice dated 06.02.2025, and accordingly, a seat should be allotted to him as per his percentile and rank under the said quota.

9. *Per contra*, Ms. Avshreya Pratap Singh Rudy, learned counsel for the respondent/MCC submits that the petitioner had submitted certain documents on 03.08.2025 at about 04:13 p.m. *vide* his email, however, the documents were found to be deficient on two counts namely, - *First*, the sworn affidavit endorsed by the concerned Embassy was missing. *Second*, petitioner failed to produce NRI certificate from the Embassy along with the application, as stipulated in the notice dated 06.08.2025, as well as, previous notice dated 25.07.2025.

10. She submits that insofar as the requirement of NRI certificate is concerned, the same had already been spelled out in the earlier notice dated 25.07.2025. To buttress her contention, she has invited attention of the Court to the said notice which has been annexed as Annexure R-01 to the



counter-affidavit of the respondent/MCC.

11. Ms. Rudy further invites attention of the Court to notice of the MCC dated 21.07.2025 to contend that the eligibility criteria prescribed therein mentions that ward of an NRI (minor under *bona fide* guardianship) is also eligible, therefore, the contention of the petitioner that he was misled by the requirement in the notice dated 25.07.2025 is misconceived.

12. She further submits that the revised notice dated 02.08.2025 provided same time window for the submission of the requisite documents for one and all, and pursuant to the said notice as many as 1800 applications were received by the MCC during Round I. All such candidates had submitted the requisite documents in terms of the notice dated 02.08.2025. However, the petitioner has failed to furnish the said documents.

13. She further contends that any relaxation in favour of the petitioner at this stage, would amount to carving an inequitable exception, in as much as it will cause grave injustice to those, who like petitioner, failed to submit documents as per the window provided in notice dated 02.08.2025, and were consequently, excluded from the counselling process.

14. In rejoinder, Mr. Sinha submits that insofar as requirement of NRI Embassy Certificate is concerned, the notice dated 25.07.2025 mentions that such certificate of the parent or of the candidate, however, there is no mention that certificate from the guardian of the ward of NRI, is required. He submits that the conspicuous absence of such clear requirement had misled the petitioner as to such requirement.

15. I have heard the learned counsel appearing on behalf of the petitioner as well as, for the respondent /MCC.



16. It is not in dispute that petitioner's application was deficient on two counts, namely, - (i) the absence of a sworn affidavit endorsed by the concerned embassy, and (ii) a valid NRI Embassy certificate of the Parent or Candidate.

17. Insofar as petitioner's contention that sworn affidavit endorsed by the concerned embassy could not be furnished as the MCC notice dated 02.08.2025 gave only short notice of one day to arrange the same, is concerned, it may be noticed that the same period was available to all candidates making application under the NRI quota. The respondent/MCC in its short affidavit dated 27.08.2025 has taken a categorical stand that the requirements mentioned in notice dated 02.08.2025 are uniformly applicable to all the candidates applying under the NRI category, without any exception, and therefore the petitioner cannot claim any preferential treatment beyond the notified terms. It is further stated that total of 1800 Applications were received during Round 01 and all such candidates had submitted the requisite documents in terms of Notice dated 02.08.2025 and it is only the petitioner who has failed to submit the documents within the provided time frame. The relevant excerpts from the short affidavit reads thus:

“7. It is submitted that a revised Notice dated 02.08.2025 was duly published on the official website of the MCC, wherein applications were invited from 05:00 PM of 02.08.2025 up to 05:00 PM of 03.08.2025. It is further submitted that in terms of the said notice, candidates seeking consideration under the NRI category were mandatorily required to submit documents within the stipulated timeline. It is also submitted that the aforementioned Notice categorically provided that only those candidates who submitted the documents by 05:00 PM of



03.08.2025 would be rendered eligible to participate in the choice-filling process for the NRI category. It is pertinent to mention that the aforementioned requirements are uniformly applicable to all the candidates applying in the said category, without any exceptions, and therefore the Petitioner cannot claim any preferential treatment beyond the notified terms. It may also be noted that a total of 1800 Applications were received during Round 01 and all such candidates had submitted the requisite documents in terms of Notice dated 02.08.2025 and it is only the Petitioner who has failed to submit the documents within the provided time frame.”

(emphasis supplied)

18. The above stand of the respondent/MCC has not been controverted by the petitioner. Therefore, this Court finds that the contention of the petitioner that he has not been afforded adequate time to furnish requisite documents is not tenable, inasmuch as every candidate was subjected to the same conditions and timelines, and no exception can be carved out for the petitioner beyond what was applicable to all similarly placed candidates.

19. Further, the petitioner may not be the only individual who failed to submit the correct documents. Granting relief cannot be confined merely to those who have sought judicial remedy. The selection process must be governed by academic excellence, not litigative persistence. Therefore, relaxation of timeline in favour of the petitioner would tantamount to making an inequitable exception, thereby denying equal opportunity in the counselling process to other similarly situated candidates, who have not approached the Court.

20. Further, no benefit can be granted to the petitioner solely on the grounds of compassion and sympathy, particularly under the inherent power



of judicial review vested in this Court under Article 226 of the Constitution of India.

21. To test petitioner's other contention that he was misled by the MCC notice dated 25.07.2025, inasmuch as it does not specifically mention NRI Embassy Certificate in case of ward of NRI is also required, it is apposite to reproduce the relevant excerpt from the notice dated 25.07.2025, with regard to the documents which the NRI category candidates were required to send of given email id of the MCC, which reads thus:

- *NEET Score Card of candidate issued by NTA*
- *Self-Attested Declaration stating that the candidate is NRI/ OCI/ PIO or child of NRI parents (Copy of format enclosed below)*
- *OCI/ PIO card of the candidate, if applicable*
- ***NRI Embassy Certificate of Parent or Candidate***

(emphasis supplied)

22. To be noted, the earlier notice dated 21.07.2025 issued by the MCC provides for the following eligibility criteria and required documentation:

"1. Eligibility Criteria and Required Documentation

*Applicants are eligible for admission under the NRI quota if they **produce documentation issued by Indian Mission/MEA for being an NRI/Child of an NRI/Ward of an NRI (minor under bona fide guardianship)***"

(emphasis supplied)

It is clearly borne from the above quoted clause that the requirement of production of documents issued by Indian Mission or Embassy overseas is equally applicable to the Ward of an NRI, the category to which the petitioner belongs, as it is applicable to an NRI as well as Child of an NRI. In fact, the purpose of requirement of NRI certificate is to establish that the candidate or the parent(s) or the guardian of the candidate, as the case may



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be, is NRI. Therefore, it does not stand to reason that NRI certificate issued by the Embassy would be required only in case the candidate is NRI or child or an NRI, and such requirement would not be applicable to the Ward of an NRI.

23. In view above discussion, this Court does not find any merit in the petition. Accordingly, the petition alongwith pending applications, if any, is dismissed.

VIKAS MAHAJAN, J

AUGUST 30, 2025/dss